

**AFFIDAVIT**

I, Special Agent Thomas J. Zukauskas being duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since May 2006. I am currently assigned to the FBI Boston Violent Crimes Task Force (VCTF), which is comprised of personnel of the FBI, Massachusetts State Police, and the Boston, Braintree, Malden, Saugus, Somerville, and Dedham Police Departments. As a Special Agent with the VCTF, I have repeatedly responded to incidents involving violent encounters. I have also received specialized training regarding investigative techniques, evidence collection, and evidence preservation. I am aware that 18 U.S.C. § 1951(a) makes it a crime to obstruct, delay, or affect commerce by forcefully taking or obtaining property by way of physical violence. I am further aware that 18 U.S.C. § 924(c) makes it a crime to use or carry a firearm during and in relation to a crime of violence.
2. I submit this affidavit in support of a criminal complaint charging Michael VANGPA, date of birth XX/XX/1989, with interference with commerce by robbery, in violation of 18 U.S.C. § 1951, and using or carrying a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A).
3. The statements in this affidavit are based on my own investigative efforts and on information provided to me by agents and police officers, including those who responded to the crime scenes discussed below; written reports about this and other investigations that I have received, either directly or indirectly, from other law enforcement agents; the results of surveillance conducted by law enforcement agents; and information provided by

witnesses, including those who may be cooperating with me and other task force agents during this investigation.

4. Because this affidavit is submitted for the limited purpose of securing the requested warrant, I have not included every fact known to me concerning this investigation. Instead, I have set forth only those facts that I believe are necessary to establish probable cause for the requested warrant.

### **STATEMENT OF PROBABLE CAUSE**

#### **The Robberies**

5. On December 24, 2020, three commercial armed robberies occurred at convenience stores in Lowell, MA, and Tewksbury, MA. The suspect in each of the three robberies appears to be the same person, based on consistent appearance on video surveillance, consistent witness statements, and consistent patterns of behavior. The suspect in all three robberies is described as an Asian male, and is wearing a dark colored hooded sweatshirt, black gloves, black shorts, and white sneakers. The suspect in all three robberies brandished a black handgun and made the same verbal demands for money.

#### **2:00 a.m. 7-Eleven, 63 Mammoth Rd., Lowell, MA**

6. Based on witness accounts and surveillance video, at around 2:00 a.m. EST, the suspect—wearing a black mask, a dark colored hooded sweatshirt, black gloves, black shorts, and white sneakers<sup>1</sup>—entered a 7-Eleven at 63 Mammoth Rd. in Lowell, MA. Upon entering

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<sup>1</sup> The victim clerk in this robbery described the suspect as an Asian male, wearing all black clothing, a black hat, and a black face mask. Furthermore, the victim clerk advised responding law enforcement officers the suspect brandished a black firearm that the suspect verbally referred to as a “45.”

the store, the suspect brandished a black handgun. The suspect then approached the cashier and verbally demanded money; the suspect also fired one round from his handgun into cardboard boxes located under the cash register. The suspect received about \$60 from the store's cash register via the cashier and about \$600 worth of cigarettes.

**2:15 a.m.**

**7-Eleven, 55 Chelmsford Street, Lowell, MA**

7. Based on witness accounts and surveillance video, at around 2:15 a.m. EST, the suspect—wearing a black mask, a dark colored hooded sweatshirt, black gloves, black shorts, and white sneakers<sup>2</sup>—entered another a 7-Eleven located at 55 Chelmsford Street in Lowell, MA. Upon entering the store, the suspect brandished a black handgun. The suspect then approached the cashier and verbally demanded money; the suspect also struck the cashier in the back of the head with his handgun. The suspect received at least \$200 from the store's cash register via the cashier.

**2:35 a.m.**

**Circle K, 1785 Andover St., Tewksbury, MA**

8. Based on witness accounts and surveillance video, at around 2:35 a.m. EST, the suspect—wearing a black mask, a dark colored hooded sweatshirt, black gloves, black shorts, and white sneakers<sup>3</sup>—entered a Circle K located at 1785 Andover St. in Tewksbury, MA.

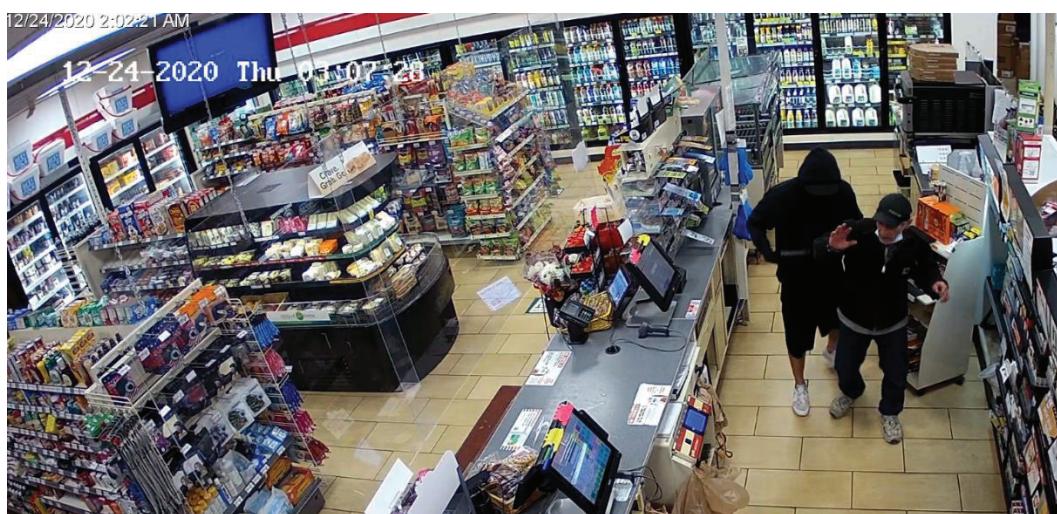
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<sup>2</sup> The victim clerk in this robbery described the suspect as an Asian male, approximately 5'7", mid 20's in age, and wearing all black. The victim clerk further advised responding law enforcement officers that the suspect pointed a gun at him and a store customer, and also "pistol whipped" the victim clerk with the firearm.

<sup>3</sup> The victim clerk in this robbery described the suspect as an Asian male, approximately 5'9" with a stocky build, and wearing latex gloves, a black surgical mask, and all black clothing.

Upon entering the store, the suspect brandished a black handgun<sup>4</sup>. The suspect then approached the cashier and verbally demanded money; the suspect also struck the cashier in the back of the head with his handgun. The suspect received approximately \$1600 from the store's cash register via the cashier.

9. Based on witness accounts and my review of surveillance video from each of the robberies, I believe the suspect in each robbery is the same person. The following are images taken from the surveillance video of each robbery depicting the suspect:
  - a. The following images were taken from store surveillance video of the robbery at the 7-Eleven at 63 Mammoth Rd., Lowell, MA:<sup>5</sup>




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<sup>4</sup> The victim clerk in this robbery described the firearm as a handgun with a grayish top (slide) and black bottom part. A second victim clerk stated that the suspect "cocked" the gun and stated, "This is a 45, get on the ground and empty the register." Based on my review of video surveillance footage maintained by Circle K of this incident, I believe the suspect brandished a black handgun.

<sup>5</sup> The surveillance video from this store appears to have two time stamps on the video. The time stamp in the top left, indicating times in these images at around 2:02 a.m., is consistent with police reports of the incident.



b. The following images were taken from the store surveillance video of the robbery at 7-Eleven at 55 Chelmsford Street at Lowell, MA:



c. The following images were taken from the store surveillance video of the robbery at Circle K at 1785 Andover St. in Tewksbury, MA:



**Identification of VANGPA's vehicle**

10. Law enforcement obtained video surveillance footage from December 24, 2020, between about 2:10 a.m. and 2:30 a.m., from two buildings adjacent to the second robbery (the 7-Eleven at 55 Chelmsford Street): (i) Lowell Redemption, located at 31 Westford Street; and (ii) Guerra's Market, located at 32 Westford Street. In the surveillance video, at about 2:13 a.m., a grey four-door sedan drives north on Howard Street, and parks on the east side of Howard Street facing Westford Street, behind the 7-Eleven at 55 Chelmsford Street. An individual matching the description of the suspect exits the driver's side of the vehicle and walks north on Howard Street towards Westford Street, and then east on Westford Street in the direction of the 7-Eleven. At approximately 2:18 a.m., the same individual walks west on Westford Street, runs south on Howard St., and enters the driver's side of the vehicle. At approximately 2:19 a.m., the vehicle pulls out of the parking spot on Howard St, drives north to Westford Street, and turn west onto Westford Street.

11. On December 29, 2020, law enforcement agents received information from a Task Force Officer assigned to the FBI Lowell Resident Agency, who works on criminal matters in and around Lowell, MA. The TFO received and reviewed a law enforcement bulletin seeking information about the December 24, 2020, convenience store robberies. The bulletin included video surveillance photos of the suspect and the vehicle associated with the robberies. Based on the TFO's review of those photos and familiarity with similar crimes in the area, the TFO identified an individual and vehicle in the Lowell area that matched the descriptions: a 2019 grey Acura TLX, with Massachusetts registration 9MK738 and VIN 19UUB3F85KA007132 registered to VANGPA ("VANGPA's vehicle").<sup>6</sup>
12. VANGPA is described as an Asian male, 32 years old, between 5'6"-5'9," and has criminal history including armed robbery and firearm convictions. VANGPA is currently on state probation for a 2016 armed robbery conviction stemming from a bank robbery in Lowell, MA, in 2014 (Middlesex Superior Court, Docket No. 1581CR00142).
13. On December 30, 2020, law enforcement agents conducted physical surveillance of VANGPA's place of employment in Princeton, MA, and observed VANGPA's vehicle parked outside. Agents also observed VANGPA driving VANGPA's vehicle.
14. On or about January 29, 2021, law enforcement served a subpoena on AT&T Corp. requesting subscriber information related to VANGPA's vehicle at or around the time of the three commercial armed robberies. In response, AT&T provided the subscriber

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<sup>6</sup> VANGPA's address associated with his registration is an address in Lowell, MA. However, based on law enforcement surveillance and other investigative efforts, law enforcement believes that his current address is in Dracut, MA.

information and identifiers, including IMEI, IMSI, and IoT phone number, associated with the telematics system installed in VANGPA's vehicle.<sup>7</sup>

15. On March 10, 2021, I obtained a search warrant directed to AT&T for the historical cell site location information ("CSLI") for VANGPA's vehicle, based on the telematics system identifiers for that vehicle provided by AT&T, as described above, from December 16, 2020, through December 25, 2020.
16. On March 26, 2021, FBI VCTF received the requested CSLI for VANGPA's vehicle from AT&T pursuant to the search warrant. An FBI Cellular Analysis Survey Team member reviewed the CSLI data and provided the following analysis:
  - a. Prior to 2:00 a.m. EST on December 24, 2020, VANGPA's vehicle recorded activity from the cell tower and sector facing VANGPA's residence in Dracut, MA.
  - b. During the hours of 2:00 a.m. to 3:00 a.m. EST on December 24, 2020, VANGPA's vehicle utilized various AT&T cell towers in Lowell, MA, and the surrounding

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<sup>7</sup> Many modern motor vehicles are equipped with electronic control units ("ECUs"), including a telematics system. A vehicle's telematics system typically collects and reports diagnostic data from various systems (other ECUs) within the vehicle, including, but not limited to, historical navigation points, speed, and event data. The telematics system is different from the vehicle's infotainment system; the infotainment system is centered around entertainment for the occupants of the vehicle, and the telematics system enables a vehicle to connect with external networks and communications systems. Typical telematics services may include in-car Internet connectivity, remote access (e.g., a manufacturer may offer subscribers remote access application options that allow the subscriber to set climate preferences or lock/unlock doors remotely, etc.), emergency calling, turn-by-turn navigation, and maintenance notifications.

In VANGPA's vehicle, the telematics system includes a number of hardware and software components that enable connectivity to and from the vehicle via cellular networks. These components include antennas (such as a GPS antenna), wireless technology (such as a Bluetooth antenna for connection to cellphone(s) within the vehicle), a Wi-Fi antenna, and an embedded cellular connection (SIM card) for direct connectivity to mobile networks. These embedded computer systems and cellular modules can, in essence, provide the same functionality as a cellphone.

areas to originate and sustain data sessions across the AT&T network. The activity recorded would only be generated if the vehicle was in motion and would not be possible if it had remained stationary. While the CSLI data does not provide the exact location of the vehicle at a specific time, the physical locations of the cell towers and sectors utilized on December 24, 2020, are consistent with VANGPA's vehicle traveling in the direction, or being in the general vicinity of:

- i. 7-Eleven at 63 Mammoth Road in Lowell, MA, at around 2:00 a.m.;
- ii. 7-Eleven at 55 Chelmsford Road in Lowell, MA, at around 2:15 a.m.; and
- iii. Circle K at 1785 Andover Street in Tewksbury, MA, at around 2:35 a.m.

c. In addition, after the cell tower activity near Circle K in Tewksbury, VANGPA's vehicle next recorded activity at 2:59 a.m. from a tower and sector facing VANGPA's residence in Dracut, MA. VANGPA's vehicle continued to record activity only through that tower and sector—facing VANGPA's residence—until approximately 7:00 p.m. that evening. This would be consistent with the vehicle returning home and remaining stationary or in the immediate area around VANGPA's residence during that time.

17. In sum, the CSLI demonstrates that, on the night of the three convenience store robberies, VANGPA's vehicle started from a cell tower and sector in the vicinity of VANGPA's residence, then traveled by cell towers and sectors in the vicinity of the three robberies at around the time of each robbery, then returned to a cell tower and sector in the vicinity of VANGPA's residence where it remained until morning.

**VANGPA's subsequent firearm arrest**

18. Based on my investigation and police reports of the incident, on March 6, 2021, Nashua P.D. received a report from an employee at Boston Billiard Club & Casino in Nashua, NH, that two male patrons were in possession of firearms within the establishment in violation of guest policy. A Nashua P.D. detail officer made contact with the two male patrons, later identified as VANGPA and Person 1<sup>8</sup>, as they exited a casino bathroom. During a frisk of both patrons, a loaded black .45 caliber Glock 30, Gen4, with serial number BHEY695 (“Target Firearm”) was recovered from Person 1. Nashua P.D. seized the Target Firearm and corresponding ammunition after determining that Person 1 was a convicted felon.<sup>9</sup> As outlined in Nashua P.D. reports, Person 1 has stated that the Target Firearm was given to him by VANGPA in the casino bathroom immediately prior to his contact with the Nashua P.D. detail officer, after another casino patron saw VANGPA in possession of the Target Firearm in the casino.
19. On March 23, 2021, based on the incident at the casino, Nashua P.D. issued an arrest warrant for VANGPA on two felony charges for Felon in Possession of Dangerous Weapon and Falsify Physical Evidence, alter, destroy, hide. On March 24, 2021, VANGPA self-surrendered to Nashua Police Department.

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<sup>8</sup> The identity of Person 1 is known to law enforcement and is anonymized here to protect that individual’s privacy.

<sup>9</sup> Person 1 was arrested by Nashua P.D. and charged with Felon in Possession of a Dangerous Weapon.

20. An ATF National Tracing Center records check for the Target Firearm revealed that the firearm was purchased on March 6, 2020, by Person 2<sup>10</sup> in Maine. Based on my investigation, including conversations with other law enforcement officers, I understand that Person 2 is VANGPA's girlfriend, who currently resides with him at his residence in Dracut, MA. On March 20, 2021, Nashua P.D. officers observed that the mailbox at the Dracut residence listed the names "M. Vangpa" and the first initial and last name of Person 2.
21. According to Middlesex Superior Court documents, on June 14, 2021, VANGPA admitted to possessing a firearm in violation of the terms of his probation in case numbers 1581CR00142 and 0881CR01490.

**ATF Ballistic Testing**

22. On April 23, 2021, FBI VCTF took custody of one spent round that was recovered by Lowell P.D. from the crime scene of the December 24, 2020, commercial armed robbery of the 7-Eleven at 63 Mammoth Road in Lowell, MA, where the suspect discharged one round from a black handgun.
23. On April 28, 2021, FBI VCTF released the one spent round to ATF for the purpose of ATF conducting ballistic testing against the Target Firearm seized by Nashua P.D. on March 6, 2021.
24. On May 24, 2021, ATF issued a laboratory report for the ballistic testing results of the recovered spent round against the Target Firearm. The report concluded that (a) the Target

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<sup>10</sup> The identity of Person 2 is known to law enforcement and is anonymized here to protect that individual's privacy.

Firearm was in operable condition; and (b) the spent round recovered from the 7-Eleven at 63 Mammoth Road in Lowell, MA was fired from the Target Firearm.

**CONCLUSION**

25. Based on the foregoing, I submit that there is probable cause to believe that on December 24, 2020, in Lowell and Tewksbury in the District of Massachusetts, Michael VANGPA:

- a. did obstruct, delay and affect, and attempt to obstruct delay and affect, in any way and degree, commerce and the movement of any article and commodity in commerce, by robbery, as that term is defined in Title 18, United States Code, section 1951; that is, by taking and obtaining property, consisting of money and other valuable items, from the owners of the property against their will by means of actual and threatened force, violence, and fear of injury, in violation Title 18, United States Code, Section 1951; and
- b. did knowingly use and carry a firearm during and in relation to, and did knowingly possess said firearm in furtherance of, a crime of violence, that is, interference with commerce by robbery, in violation of 18 U.S.C. § 924(c)(1)(A)(iii).

Sworn to under the pains and penalties of perjury,

Thomas Zukauskas  
Special Agent Thomas J. Zukauskas  
Federal Bureau of Investigations

SWORN before me telephonically pursuant to Fed. R. Crim. P. 4.1(d)(3) this 11 day of August 2021.

  
HONORABLE DONALD L. CABELL  
UNITED STATES MAGISTRATE JUDGE

